

### **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

By this amendment, non-elected claims 4 and 6 have been canceled.

In item 2 of the Office Action, the Examiner indicated several informalities. These informalities have been remedied by the present amendment.

In item 3 of the Office Action, the Examiner pointed out that the abstract exceeded 150 words. Accordingly, the abstract has been amended herein to not exceed 150 words.

In item 5, claims 1-3, 5, and 7-9 were rejected under 35 USC § 102(b) as being anticipated by Brooks. This rejection is traversed and is believed to be inapplicable to the claims as now amended.

Independent claim 1 has been amended herein to recite that the piston is disposed so as to divide the interior of the cylinder into two cylinder chambers. Claim 1 has also been amended to recite that the pilot chamber controls the opening of the damping valve and when the damping valve is opened, the variable viscosity fluid is allowed to flow from one of the cylinder chambers to the other without passing through the pilot chamber. Also, claim 1 has been amended to recite that the viscosity changing means changes the viscosity of the variable viscosity fluid flowing through the pilot passage so that the pressure in the pilot chamber varies depending on the change in the viscosity of the variable viscosity fluid. Thus, as recited in claim 1, the viscosity changing means changes the viscosity of the fluid flowing through the pilot passage, the pilot chamber controls the opening of the damping valve and when the damping valve is opened, the variable viscosity fluid is allowed to flow from one of the cylinder chambers to the other without passing through the pilot chamber. Such an arrangement is not disclosed or in any way suggested by Brooks.

With reference to Fig. 2 of Brooks, when the piston 4 moves upward (in the direction of arrow B), the fluid which flows from the upper cylinder chamber to the lower cylinder chamber exclusively passes through the annular passage 16. The Examiner regards this passage 16 as the pilot passage.

On the other hand, with reference to Fig. 2 of the present application, while the piston moves upward and when the valve 11 opens, the fluid in the upper cylinder chamber is allowed to flow directly to the lower cylinder chamber through the passage 22 without passing through the pilot passage (orifice passage 37, passages 38, 39, 40, orifice passage 41, guide bore 15, and the interior of the slide member 16). See, for example, lines 4-9 on page 16 of the specification. In other words, in the present application, there is a passage which communicates the upper and lower cylinder chambers independently from the pilot passage which extends through the pilot chamber.

Because of the clear distinctions between the presently claimed invention and the apparatus of Brooks, it is clear that claims 1-3, 5, and 7-9 are not anticipated by Brooks. Accordingly, it is submitted that the application is in condition for allowance.

The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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